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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,801	02/18/2004	Matthias Seeler	P04, 0056	1515

7590 08/05/2005

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EXAMINER

BRASE, SANDRA L

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8f

Office Action Summary

Application No.

10/780,801

Applicant(s)

SEELER ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/692,034.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because reference numerals, labels and lines are not clear and are not well defined. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 29 (see pg 7, line 24). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

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only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informality: on page 3, line 24, “drawings” should be changed to “drawing”.

Appropriate correction is required.

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. (see page 8 of the specification).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7, 9, 10, 13-19, 21, 23, 24 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogura (US 2002/0080390).

7. Ogura (...390) discloses a system and method for remote maintenance, remote configuration or remote operation of an electrophotographic printing or copying system, comprising: a network (8) via which a data processing system (6) is connected with a communication unit of the printing or copying system (1-5) ([0042]; and figure 1); the communication unit receiving and processing first data transmitted by the data processing system via the network when the printing or copying system is deactivated (abstract; [0097]-[0098]; and [0133]); dependent on the first data, after reception the communication unit activates a data processing unit of the printing or copying system (abstract; [0102]; and [0133]); and second data are transmitted between the data processing system and the data processing unit after the activation of the printing or copying system data processing unit (abstract; [0118]-[0120]; and [0133]). With the aid of the transmitted first data, an access occurs via the data processing system to a storage region of the printing or copying system, where a default value of the printing or copying system being stored in the storage region ([0089]-[0091]). A management information base of the printing or copying system is provided in the storage region ([0088]). The accesses are at least one of read and write accesses ([0088]-[0089]). The accesses occur with the aid of a remote method invocation communication ([0044]). The activation of the data processing unit can be optionally deactivated ([0129]-[0131] and [0133]). The communication unit and the data processing system are respectively connected with a modem whereby the modems are connected via a public telephone network (abstract; and [0042]). The communication unit comprises a network adapter that, given a deactivated printing or copying system is supplied with an operating voltage ([0102]). The error data and default values of the data processing unit are transmitted to the data processing system, and data with program

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elements and default values are transmitted from the data processing system to the data processing unit ([0088]-[0090]). The data processing unit is deactivated after the transmission of the second data ([0133]). The system and method includes a telephone network via which the remote control data processing system is connected with a communication unit of the printing or copying system (abstract; [0042] and figure 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura (US 2002/0080390) in view of Hanson (US 6,493,517).

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11. Ogura (...390) discloses the features mentioned previously, but does not disclose SNMP commands. Hanson (...517) discloses a network system that uses SNMP commands (col. 4, lines 32-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to use SNMP commands, as disclosed by Hanson (...517), since it is a well known remote query language implemented within a network system.

12. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura (US 2002/0080390) in view of Sawada (US 6,141,507).

13. Ogura (...390) discloses the features mentioned previously, but does not disclose that at least part of the network is wide area network. Sawada (...507) discloses an image forming apparatus service system that includes a wide area network (abstract; and col. 4, lines 8-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the network be a wide area network, as disclosed by Sawada (...507), since such is a well known specific form of a communication network.

14. Claims 11, 12, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura (US 2002/0080390) in view of Kawaura (US 6,915,085).

15. Ogura (...390) discloses the features mentioned previously, and discloses with the aid of the signal, a power supply unit is activated to supply energy to the data processing unit ([0102]); however, does not disclose the use of a MAC address. Kawaura (...085) discloses a communication system including a network where a network controller communicates with other devices connected to a network by the use of a MAC address (col. 13, lines 16-21). It would

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have been obvious to one of ordinary skill in the art at the time of the invention to use the claimed MAC address, as disclosed by Kawaura (...085) since it is well known the art to communicate in a network through use of MAC addresses.

Prior Art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dombrowski et al. (JP 11-338739), Ogura (US 5,512,979), Hashimoto et al. (US 5,897,236) and Weinberger et al. (US 6,009,284) disclose a remote monitoring system.

Inquiry

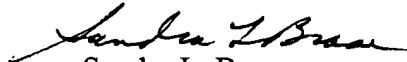
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sandra L. Brase
Primary Examiner
Art Unit 2852

August 1, 2005